

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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2009 JAN 27 P 12:13

Shaheen Cabbagestalk, #295567,

Plaintiff,

v.

Civil Action No. 3:08-3982-SB

Headquarters Classifications of
Columbia SC;
Bureau of Prisons;
Jon Ozmint, Director of SCDC;
Judge James F. Rogers;
Judge John Davis;
Attorney J. David Watson;
Attorney Glen B. Manning;
Kirkland R&E Center;
Judge Howard P. King;
Warden Mr. Bodison;
Robert E. Ward;
Dillon County Sheriff's Department;
Dillon County, individual capacity and
official capacity,

Defendants.

ORDER

This matter is before the Court upon the Plaintiff's pro se complaint, filed pursuant to 42 U.S.C. § 1983. By local rule, the matter was referred to a United States Magistrate Judge for preliminary determinations.


On December 31, 2008, United States Magistrate Judge Joseph R. McCrorey issued a report and recommendation ("R&R") analyzing the Plaintiff's complaint and recommending that the Court dismiss the complaint without prejudice and without issuance and service of process. In the R&R, the Magistrate Judge also recommended that the case be deemed a "strike" for purposes of the "three strikes" rule. See 28 U.S.C. § 1915(g). Attached to the R&R was a notice advising the Plaintiff of his right to file specific,

written objections to the R&R within ten days of the date of service of the R&R. To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Plaintiff did not file any specific, written objections, the Court need not conduct a de novo review of any portion of the R&R. Accordingly, the Court hereby adopts the Magistrate Judge's R&R as the Order of this Court, and it is

ORDERED that the Plaintiff's complaint is dismissed without prejudice and without issuance and service of process. It is further ordered that the Plaintiff's motion to vacate sentence and for immediate release (Entry # 3) is denied. Lastly, this case is deemed a "strike" for purposes of the "three strikes" rule of 28 U.S.C. § 1915(g).

AND IT IS SO ORDERED.


The Honorable Sol Platt, Jr.
Senior United States District Judge

January 27, 2009
Charleston, South Carolina